

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ORDER  
09-CR-061A

JAMES W. WILSON,

Defendant.

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This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(A). On April 28, 2009, defendant filed a motion to suppress. On March 8, 2010, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion to suppress be denied.

Defendant filed objections to the Report and Recommendation on April 12, 2010, and the government filed a response thereto on April 26, 2010. Oral argument on the objections was held on May 13, 2010. At oral argument, the parties informed the Court that they were willing to rest on their papers.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion to suppress is denied. The case is referred back to Magistrate Judge Scott for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: May 20, 2010